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ABSTRACT

This pamphlet provides a summary of the educational benefits available to United States Armed Services enlisted and discharged personnel under the Educational Assistance Test Program, Section 901 of Public Law 96-342. The pamphlet, in question and answer format, includes information describing how qualified persons can receive payments under the program and suggestions on where to go to for help and obtain more detailed information. Twenty-seven specific questions cover such concerns as eligibility, how long educational assistance is available, how much assistance one can receive, types of training allowed and the restrictions that exist, counseling availability, criteria for continuing financial support, and what responsibilities the recipient has in regards to enrollment changes and payment discrepancies. (GLR)

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Department of
Veterans Affairs

Summary of Benefits Under the Educational Assistance Test Program Section 901 of Public Law 96-342

ED 366 254

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VA Pamphlet
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Veterans Benefits Administration
Washington DC 20420

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This pamphlet is designed to provide information to veterans and servicemembers concerning title 10 benefit programs in accordance with section 421 of Public Law 101-237.

WHAT IS SECTION 901?

It is an Educational Assistance Test Program created by the Department of Defense Authorization Act of 1981 (Public Law 96-342) to encourage enlistment and reenlistment in the Armed Forces. Benefits are available to individuals who entered on active duty after September 30, 1980, and before October 1, 1981 (or before October 1, 1982, if entry was under a delayed enlistment contract signed between September 30, 1980, and October 1, 1981). The title "Section 901" identifies the part of Public Law 96-342 which provided for this education benefit.

The program is funded by the Department of Defense (DOD) under chapter 107 of title 10, U. S. Code. No monetary contributions are required from the participant. The Department of Veterans Affairs (VA) administers the payment of benefits under an agreement with DOD.

Section 901 is available to servicepersons and veterans. Also, a serviceperson or veteran may transfer entitlement to a dependent spouse or child. A surviving spouse or child will be eligible to any entitlement remaining at the time of the serviceperson's or veteran's death.

This pamphlet is a summary of the benefits available under this program. Do not rely on it to determine if you are eligible for education benefits. To receive a formal decision from VA, you must file a claim for benefits.

ARE YOU ELIGIBLE?

You may be eligible as a serviceperson or veteran, if you meet the requirements outlined below.

NOTE: Not all individuals who entered on active duty during the period September 30, 1980, to October 1, 1981, are eligible for benefits. To establish eligibility you must meet the requirements described below, and you must have been selected by your Service Department to participate in the program.

ACTIVE DUTY REQUIREMENT

You enlisted or reenlisted for service and entered on active duty between September 30, 1980, and October 1, 1981.

You may be eligible if you entered on active duty after October 1, 1981, under the following conditions:

- You signed a delayed enlistment agreement between September 30, 1980, and October 1, 1981; and
- You entered on active duty before October 1, 1982.

LENGTH OF SERVICE REQUIREMENT

The length of your service for the enlistment or reenlistment described above equaled the lesser of the following:

- The full period of service required by the enlistment or reenlistment contract; or
- Two years (24 continuous months) of active service.

If you did not meet the length of service requirement, you may still be eligible for benefits under one of the exceptions shown below.

Initial Enlistment. If the enlistment between September 30, 1980, and October 1, 1981, was your initial enlistment, you can qualify under one of the following conditions:

- Your discharge from service was for:
 - Convenience of the government (early-out discharge);
 - Hardship; or
 - Disability incurred or aggravated in the line of duty; or
 - You have a service-connected disability for which you are receiving or are entitled to receive compensation (based on an evaluation established by VA).

Previous Period of Service. If you entered on active duty after October 16, 1981, you may be eligible if you had a previous period of

service. Your previous active service must have been at least 24 continuous months, unless you had an early-out discharge.



DISCHARGES AND SEPARATIONS

The discharge from your qualifying period of active duty must have been honorable or general. A discharge which is less than general will *not* establish eligibility to education benefits.

OTHER ISSUES

Educational Background. You must have graduated from a secondary school.

DOD Requirements. You must have met all other requirements set by the Secretary of Defense at the time of your qualifying enlistment or reenlistment. For example, the Secretary could have required a certain group of enlistees to enter service in a particular MOS (Military Occupational Specialty). If you were in that group, you must have chosen the particular MOS specified by the Secretary.

ELIGIBILITY BASED ON A TRANSFER OF ENTITLEMENT

A dependent or surviving spouse or child may be eligible for benefits based on a transfer of entitlement.

Transfer of Entitlement – Living Serviceperson or Veteran. To be eligible to transfer entitlement to a dependent, a serviceperson or veteran must have met certain requirements according to his or her branch of service. The requirements are as follows:

- A serviceperson or veteran of one of the participating branches of service (Army, Navy, Air Force, Marine Corps) must have:
 - Completed the initial period of service required for eligibility to section 901; and
 - Thereafter reenlisted.
- Certain members or veterans of the Navy or Marine Corps, as specified by the Secretary of the Navy, must have met the following requirements:
 - The enlistment that established the serviceperson's or veteran's eligibility to section 901 was his or her second reenlistment;
 - The second reenlistment was for a term of six years; and
 - The serviceperson or veteran completed at least four years of active service of that second reenlistment.

A serviceperson or veteran may choose to transfer entitlement to either his or her spouse, or one of his or her children. However, the serviceperson or veteran may not transfer entitlement to more than one person at a time.

As a dependent, you may receive assistance or subsistence as shown below:

- If you are a dependent of a serviceperson, you may only receive assistance allowance; or
- If you are a dependent of a veteran, you may receive assistance allowance, subsistence allowance, or both.

These allowances are described in detail in another part of this pamphlet.

The total entitlement transferred to a dependent may not exceed the veteran's or serviceperson's remaining entitlement.

Transfer of Entitlement – Serviceperson or Veteran Deceased. In the event of the death of a serviceperson or veteran, remaining entitlement will transfer to the surviving dependents. Eligibility exists only if the serviceperson or veteran:

- Completed the period of active military service required to establish eligibility;
- Reenlisted after completing that service; and
- *Did not decline* to transfer entitlement during his or her lifetime.

Also, the serviceperson's or veteran's death must have occurred:

- While he or she was on active duty; or
- Within 10 years from the date of his or her last discharge or release from active duty.

The deceased serviceperson's or veteran's remaining entitlement will go to the surviving spouse. If there is no surviving spouse, remaining entitlement will go to the serviceperson's or veteran's surviving children.

If you receive entitlement as a surviving spouse, you may elect to transfer that entitlement to the serviceperson's or veteran's surviving children.

The amount of entitlement transferred to a dependent may not exceed the amount remaining at the time of the veteran's or serviceperson's death.

Revocation of Election to Transfer Entitlement. A serviceperson, veteran, or surviving spouse may revoke, or cancel, an election to transfer entitlement.

If you make an entitlement transfer and wish to cancel it, you must notify VA in writing.

You must cancel a transfer before the expiration of your entitlement, and before the end of your period of eligibility. Entitlement and the period of eligibility are described in detail in another part of this pamphlet.

You must choose the effective date to cancel the entitlement transfer. This date will depend on the training status of the person who received the entitlement transfer.

- If the person never entered training, the effective date will be any date you choose.
- If the person is not training (but trained before), the effective date will not be earlier than the last date of his or her attendance.
- If the person is training and receiving benefits, the effective date will not be earlier than:
 - The last day of the term, quarter, or semester; or
 - The last date of the course or school year, whichever is earlier. This condition applies if the school does not operate on a term, quarter, or semester basis.

Establishing Dependency – Living Serviceperson or Veteran. If you are a serviceperson or veteran, and you wish to transfer entitlement to one of your dependents (your spouse or one of your children), you must furnish evidence to establish the dependency of that person.

To establish the dependency of your spouse, you must furnish the following:

- A statement showing the date and place of your marriage, and the date, place, and manner of termination (e.g., divorce, death) of any previous marriage for you or your spouse; and
- A certified copy of the public or church record of your current marriage.

To establish the dependency of your child or children, you must furnish a statement showing the date and place of birth for each child. Also, you must furnish any of the following evidence which may be necessary:

- A certified copy of the public record of birth or the church record of baptism for each of your children;
- For an adopted child, a certified copy of the decree of adoption or a copy of the adoptive placement agreement;

- Proof of school attendance for a child between the ages of 21 and 23, including evidence to show that you are providing more than one-half of the child's support; or
- Evidence to establish physical or mental incapacity for a child who became permanently incapable of self-support before age 21. The evidence must show the status of the child's disability as of his or her 21st birthday. You must also furnish evidence to show that you are providing more than one-half of the child's support.

Establishing Dependency – Serviceperson or Veteran Deceased. If you are a surviving spouse or child, the evidence requirements shown above also apply to you.

Also, you must submit evidence to establish your dependency at the time of the serviceperson's or veteran's death.

- *Surviving Spouse.* You must submit a statement indicating the date and place of your marriage to the veteran. Your statement should also show the date and place of any previous marriage for you or the veteran, and the date, place, and manner of termination (e.g., divorce, death) of each marriage.

NOTE: You will lose your entitlement if you remarry following the serviceperson's or veteran's death.

- **Surviving Child Between Ages 21 and 23 (School Child or Child Permanently Incapable of Self-Support).** You must submit evidence to show that you depended on the serviceperson or veteran for over one-half of your support at the time of his or her death.

In addition, VA must have proof of the death of the serviceperson or veteran.

- For a serviceperson, the military will furnish DD Form 1300, Report of Casualty.
- For a veteran, you must furnish a certified copy of the public record of death.

HOW MANY MONTHS OF BENEFITS CAN YOU GET?

If you have basic eligibility, you were granted 1 academic year (9 months) of entitlement for each full calendar year of active duty served during your qualifying enlistment or reenlistment. For example, if your qualifying service lasted 40 months, your entitlement would be 30 months.

The *maximum* amount of entitlement you could have earned was 36 months (4 standard academic years) based on 48 months (4 full years) of qualifying service.

HOW IS ENTITLEMENT CHARGED?

You are charged 1 full day of entitlement for each day of full-time benefits paid. One month (30 days) of entitlement will be charged for each month of full-time benefits paid. VA may *not* extend entitlement for any reason.

HOW MUCH EDUCATIONAL ASSISTANCE WILL YOU GET?

There are two types of allowances: assistance allowance and subsistence allowance. A description of each allowance is shown below:

ASSISTANCE ALLOWANCE

Assistance allowance covers your educational expenses for instruction received at an accredited institution. Effective October 1, 1992, the total assistance allowance payable for an academic year may not exceed \$2254. Servicepersons, veterans, and dependents of servicepersons and veterans, may receive assistance allowance.

- Your educational expenses include the cost of your tuition, fees, books, and the lab or shop fees for consumable materials.
- If entitled, you will receive assistance allowance once each term, quarter, or semester. VA issues payment at the end of the first month in which training begins, or as soon as possible thereafter.

SUBSISTENCE ALLOWANCE

Effective October 1, 1992, the monthly rate of subsistence allowance for full-time training is \$562.00. The monthly rate for part-time training is \$281.00.

- VA pays subsistence allowance for a month on the first of the following month. For example, VA issues the check for March on or about April 1.
- If you are a serviceperson or the dependent of a serviceperson, you are *not* eligible to receive subsistence allowance. However, when you receive assistance allowance, VA will charge entitlement for both assistance and subsistence allowance. This will insure that your remaining entitlement for both allowances will always be equal.

HOW LONG ARE YOU ELIGIBLE?

If you are a veteran, your benefits will end on the first day following 10 years from the date on which you retire or are discharged or otherwise separated from active duty. The ending date of this period is your delimiting date.

If you are a dependent or survivor, your eligibility will extend 10 years from one of the following dates:

- The date of the veteran's last discharge or separation from active duty, or
- The date of the serviceperson's death, if he or she dies while on



WHAT TRAINING MAY YOU TAKE?

You may receive benefits only for training at an accredited institution. You must pursue training at the post secondary degree level. And you must receive all instruction at the institution.

Your school must be accredited by an agency recognized by the Department of Education. To determine whether you may receive benefits for training at a school, contact the VA regional office in the state where you will train.

ARE YOU ELIGIBLE FOR REMEDIAL, DEFICIENCY, AND REFRESHER TRAINING?

No. You may not receive benefits for remedial, deficiency, or refresher training.

ARE YOU ELIGIBLE FOR TUTORIAL ASSISTANCE?

No. You may not receive a tutorial assistance allowance from VA.

ARE YOU ELIGIBLE FOR WORK-STUDY?

No. You may not receive a work-study allowance from VA.

ARE THERE RESTRICTIONS ON TRAINING?

You may not receive benefits for any of the following types of courses:

- Apprenticeship training;
- On-the-job training;
- Cooperative and farm cooperative courses;
- Courses offered at institutions outside the United States. However, you may train in Guam, Puerto Rico, the U.S. Virgin Islands, and at overseas branches of U.S. schools;
- Courses offered by nonaccredited institutions;
- Correspondence courses;
- Independent study courses; or
- Residency courses (such as medical and dental internships).

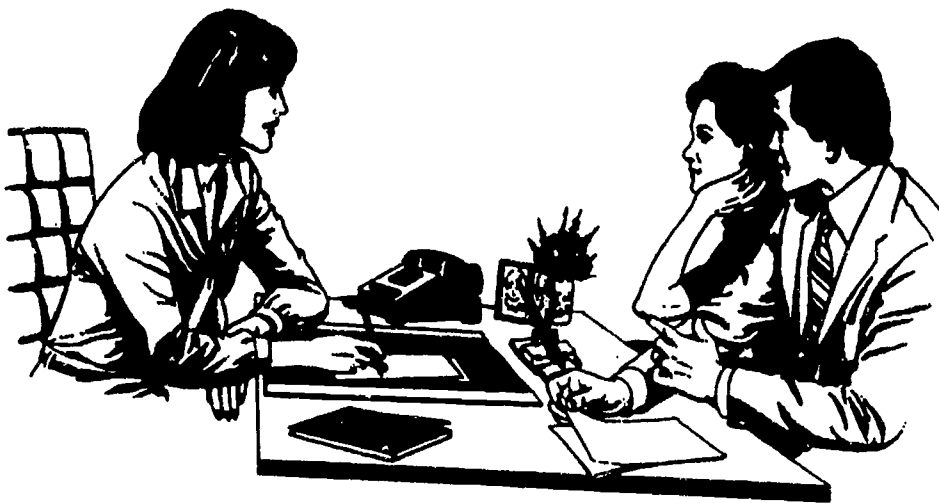
CAN YOU BE ELIGIBLE FOR MORE THAN ONE BENEFIT?

Yes. You can receive benefits under section 901 and any combination of VA education programs *not to exceed 48 months of entitlement*.

DUPLICATION OF VA BENEFITS

You cannot receive benefits under more than one VA education program at the same time. That would be a duplication of benefits.

If you ever receive two different VA education benefits at the same time, you should notify VA immediately. If you do not, you may be required to repay part or all of the benefits which you receive.



IS COUNSELING AVAILABLE?

Counseling is available if you are:

- Eligible for VA educational assistance;
- A servicemember within 180 days of discharge; or
- A veteran within 1 year from the date of discharge.

If you meet one of these qualifications and you request counseling, VA will provide services to help you understand your educational and vocational strengths and weaknesses and to plan:

- An educational or training goal and the means through which you can reach that goal, or
- An employment goal for which you qualify on the basis of your present training and experience. VA can also help you to plan your job search.

Transfer of Counseling. If you transfer your section and your dependents, he or she is also eligible

- You have a service-connected disability or disabilities rated by VA at 20% or more, if VA finds that you have an employment handicap; or
- You have a 10% disability, if VA finds on or after October 1, 1993, that you have a serious employment handicap.

Vocational rehabilitation helps disabled veterans become independent in daily living, and to the extent possible, to select, prepare for, and secure employment that is compatible with their interests, abilities, physical capabilities, and goals. If you are eligible under section 901 and chapter 31, you should discuss your benefits with a VA counselor.

Remember, you must elect one benefit, since you cannot receive benefits under two programs at the same time. To apply, complete VA Form 28-1900, Disabled Veterans Application for Vocational Rehabilitation. Send it to the nearest VA regional office.

CAN YOU CHANGE PROGRAMS?

The restriction on changes of program, which applies to other VA education benefit laws, does not apply to section 901.

MUST YOU MAINTAIN SATISFACTORY ATTENDANCE, CONDUCT, AND PROGRESS?

Your academic progress or conduct, and your daily attendance will be monitored by school officials.

Your school will have requirements regarding progress or conduct, and excessive absences. Failure to meet these requirements may result in your removal from school. If you do not continue in school, you cannot continue to receive section 901 benefits.

WHAT MUST YOU DO TO QUALIFY?

Once you find a school with a course you want, there are two important steps:

- **FIRST**, make sure the school you choose is accredited; and
- **SECOND**, complete VA Form 22-8889, Application for Educational Assistance Test Program Benefits. Send it to the VA regional office in Waco, Texas. If you are not on active duty, send copy 4 of DD Form 214.

The Waco Regional Office has jurisdiction over *all* claims for section 901 benefits. A claims processor will review your application and let you know if anything else is necessary.

The address of the Waco Regional Office is:

1400 North Valley Mills Drive
Waco, TX 76799

Direct all correspondence regarding your claim for section 901 benefits to the Waco Regional Office.

WHAT SHOULD YOU DO IF YOU DISAGREE WITH A VA DECISION?

If you disagree with any VA decision about your claim for education benefits, you may appeal that decision. You must file an appeal within 1 year of a decision. Each notice of decision issued by VA contains your legal rights and appeal procedures. You may request a personal hearing on your claim.

VA may make decisions on training time, changes of school or course approvals, and other non-eligibility issues. However, if your claim is denied because DOD has certified that you are not eligible, you should contact that agency regarding correction of your eligibility record. VA does not have authority under the law to reverse DOD eligibility determinations.

If you need assistance in filing an appeal, contact the nearest VA office or a veterans service organization.

HOW DO YOU RECEIVE PAYMENTS?

After choosing a school, you should have an official at the school complete an enrollment certification. Be sure to notify the

certifying official that you will be training under section 901. He or she should send the enrollment certification to the Waco Regional Office.

The enrollment certification provided by your school should show whether you are a full-time or a part-time student. If you are a veteran or a dependent of a veteran, the amount of your subsistence allowance will be based on the rate of training shown.

If you are a serviceperson, a veteran, or a dependent of a serviceperson or veteran, your assistance allowance will be based on the following:

- The cost of your tuition and fees as certified by the school; and
- The cost of books, supplies, and other related expenses which you purchase on your own.

The enrollment certification from your school should show the amount of the tuition and fees for all of your courses. You must furnish VA with a statement showing the cost of your books, supplies, and other related expenses in order to receive assistance for expenses. If you forward the statement to your school for submission with the enrollment certification, full payment of your assistance allowance may be expedited.

NOTE: If VA does not receive a statement from you or the school indicating the cost of your books, supplies, and other related expenses, you will only receive assistance for your tuition and fees.

WHAT SHOULD YOU DO IF YOU DON'T RECEIVE A CHECK?

When VA processes the enrollment certification, you should receive a check for your subsistence and assistance allowances within 2 weeks.

If you have not received your check within 2 weeks *from the date on which VA notifies you of your award*, you should contact your nearest VA regional office. Explain that you are receiving education benefits under section 901, and that your payments are processed by the Waco Regional Office.

The person answering the telephone will record the necessary information. He or she will then contact the Waco Regional Office to determine the status of the check.

Whenever you contact VA, have your VA file number readily available.

MAY YOU GO PART TIME?

If you are unable to attend school full time, consider going part time. Benefit rates for part-time training are one-half of the full-time rate.

- If you pursue at least 12 semester hours or the equivalent, you will be a full-time student.
- If you pursue from 1 to 11 semester hours or the equivalent, you will be a part-time student.

The entitlement charge for part-time training is one-half of the charge for full-time training. For example, if you receive benefits for 12 months at full time, the charge is 12 months. If you receive benefits for 12 months of part-time training, the charge is 6 months.

CAN YOU GET AN ADVANCE PAYMENT?

No. You may not receive an advance payment of benefits.

WHAT ARE YOUR RESPONSIBILITIES?

CHANGES IN YOUR ENROLLMENT

If you change your enrollment, immediately tell your school's certifying official. Request the certifying official to notify the Waco Regional Office of the change. Also you should notify the Waco Regional Office of the change. If VA does not receive prompt notice of a change, you could be responsible for an overpayment of benefits.

NOTE: Employees of schools who process VA forms are *not* VA employees.

CHANGE OF ADDRESS

Promptly notify the Waco Regional Office of any change in your address. Send your complete new address, including the ZIP Code.



CHANGES IN DEPENDENCY

If someone is no longer a dependent or survivor, that individual may not continue to receive benefits. A serviceperson or veteran must notify the Waco Regional Office of a change in the status of any of his or her dependents who are receiving benefits. If you are receiving benefits as a dependent or survivor, you must notify the Waco Regional Office if your own dependency status changes.

The failure to notify VA of a change in dependency status may result in the creation of an overpayment of benefits. You will be responsible for repaying any such debt in full.

Examples of dependency status changes which you must report include the following:

- The death of a dependent;
- Divorce or separation from a spouse;
- The remarriage of a surviving spouse;
- The marriage of a child; and
- The change in a child's status after a his or her 21st birthday, such as the following:

- A child is no longer dependent on the serviceperson or veteran for over one-half of his or her support;
- A child is no longer a full-time student at an institution of higher learning; or
- A child is no longer permanently incapable of self-support.

WHAT HAPPENS IF YOU CHANGE YOUR ENROLLMENT?

You must notify VA at once of any change in enrollment status which affects your benefits. You do not have to explain the reasons for your withdrawal from any of your courses.

Examples of the changes you must report are as follows:

- A reduction from full-time to part-time training;
- The withdrawal from all of your courses; or
- The receipt of an incorrect assistance allowance. Your school may incorrectly certify the amount for your tuition, fees, books, supplies and consumable materials. If the assistance you receive is more than the correct amount, you must notify VA.

If you fail to notify VA of a change in your enrollment, you may be responsible for an overpayment.

HOW TO PREVENT OVERPAYMENTS?

An overpayment is an incorrect benefit payment that is more than the correct amount. If you promptly notify VA of changes affecting your benefits, you may prevent overpayments.

In addition, you should use reasonable judgment when you accept and cash a check. You should carefully read all letters from VA regarding the monthly rates and effective dates of your benefits. If you think a VA check is wrong, contact VA *before* cashing the check. Return any checks for too much money to VA.

If you cash a check for the wrong amount, *you will be liable for repayment of the resulting overpayment.*

WHAT HAPPENS IF YOU HAVE AN OVERPAYMENT?

VA is required to take prompt and aggressive action to recover overpayments. You have the right to request a waiver of the overpayment or verification that the amount is correct. If an overpayment is not repaid or waived, VA may take one or more of the following actions to collect the debt:

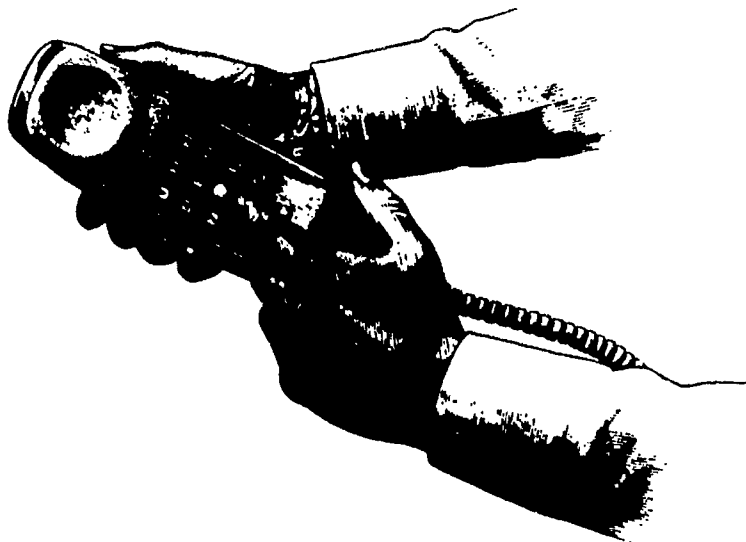
- Add interest and collection fees to your debt;
- Withhold future benefits to apply to your debt;
- Refer your debt to a private collection agency;
- Recover the debt from your federal income tax refund;
- Recover the debt from your salary if you are a federal employee;
- File a lawsuit in federal court to collect the debt; or
- Withhold approval of a VA home loan guarantee.

WHERE TO GO FOR HELP

GENERAL INFORMATION

If you want *general* information about VA benefits, feel free to contact one of the following:

- Local representatives of veterans organizations; or
- The Education Services Officer, at your military post or installation, if you are on active duty.



Consult a telephone directory under United States Government, Department of Veterans Affairs or Veterans Administration, for the telephone number of the office nearest you. Toll-free telephone service is available in all 50 states, Puerto Rico, and the U. S. Virgin Islands. Call 1-800-827-1000.

To assure that accurate information and courteous responses are given to the public, VA supervisory personnel occasionally monitor telephone calls. No record is kept of the caller's name, address, file number, or telephone number.

To obtain information on other sources of assistance, contact the financial aid office at your school.

Rescission: VAP 22-90-5, dated October, 1991

CHAPTER 107 OF TITLE 10 U.S. CODE
VA Pamphlet 22-90-5
Revised

Summary of Benefits
VA Pamphlet 22-90-5
Revised, April 1993

Department of Veterans Affairs
Washington DC 20420



OFFICIAL BUSINESS
Penalty for Private use \$300



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